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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 8th May, 1964:—

I

BILL No. IV OF 1964

A Bill further to amend the Delhi Rent Control Act, 1958.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Delhi Rent Control (Amendment) Act, 1964. Short title.

2. In section 14 of the principal Act, in sub-section (*1*),— Amendment of section 14

(*i*) after clause (*d*), the following clause shall be inserted, namely:—

"(*dd*) that the premises which have been let for non-residential purpose have not been used by the tenant without reasonable excuse for the purpose for which they were let for a continued period of four months preceding the date of the filing of the application for recovery of possession;";

(*ii*) for clause (*h*), the following shall be substituted, namely:—

"(*h*) that the tenant or any member of his family dependent on him or residing with him has, whether before or

after the commencement of this Act, built, acquired vacant possession of, or been allotted, a residence,

(*hh*) that the tenant has been in continuous occupation of any residential premises, of which the rent is rupees one hundred or more per month, for a period exceeding twenty-one years;

Explanation.—For the purposes of clause (*hh*) references to residential premises shall mean any premises suitable for occupation as a residence irrespective of the purpose for which it is or has been let, whether for use as residence or for use as residence-*cum*-business or residence-*cum*-profession, and also includes premises let out for the purposes of a public hospital, an educational institution, a public library, a reading room or an orphanage;";

(*iii*) after clause (*j*), the following shall be inserted, namely:—

"(*jj*) that the tenant has, whether before or after the commencement of this Act, without the consent of the landlord in writing or of the Municipal Corporation of Delhi or of the New Delhi Municipal Committee, as the case may be, erected any structure or suffered to be erected any structure on the premises;

(*jjj*) that the tenant or any person residing with the tenant has been guilty of conduct amounting to causing annoyance to the occupiers of the adjoining or neighbouring premises or has been using the premises or allowing the premises to be used for immoral or illegal purposes;".

Amendment of section 23.

3. To section 23 of the principal Act, the following proviso shall be added, namely:—

"Provided that no residential building shall be converted into non-residential building except with the permission in writing of the Controller."

Insertion of new section 54A. Exemptions

4. After section 54 of the principal Act, the following section shall be inserted, namely,—

"54A. Notwithstanding anything contained in this Act, the Central Government or the Chief Commissioner of Delhi may direct that all or any of the provisions of this Act shall not apply to any particular building or class of buildings.".

STATEMENT OF OBJECTS AND REASONS

In the course of the administration of the Delhi Rent Control Act, 1958 it has been found that the Act contains certain lacunae, specially in regard to the provisions in respect of the recovery of possession by the landlords of the premises. This Bill seeks to fill in these lacunae and remedy certain other defects and bring it in line with the Rent Control Acts of other States.

M. P. BHARGAVA.

II

BILL NO. V OF 1964

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Code of Civil Procedure (Amendment) Act, 1964. Short title and commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

5 of 1908. 2. Section 87B of the Code of Civil Procedure, 1908 (hereinafter referred to as the principal Act), shall be omitted. Omission of section 87B.

3. Notwithstanding anything contained in the foregoing section, the provisions of section 87B of the principal Act shall continue to apply to all such acts, dealings or transactions as were done, undertaken or executed by the Ruler of any former Indian State before the 26th of January, 1950, to which that section would have applied had it not been omitted, as if that section has not been omitted. Savings.

STATEMENT OF OBJECTS AND REASONS

Considered in the light of the basic principle of equality before law enjoined by the Constitution, the protection given to the Rulers of former Indian States by section 87B of the Code of Civil Procedure, 1908, is discriminatory. In a recent Judgement (Shri Narottam Kishore Deb Varma and others *versus* the Union of India and another), the Supreme Court have observed that while for dealings and transactions prior to the 26th January, 1950, protection might justifiably be given to the Rulers of former Indian States, it would seem odd that section 87B of the Code of Civil Procedure, 1908, should be allowed to operate for all time to come. It seems, therefore,

desirable to restrict the operation of this section only to the past transactions of the Rulers of former Indian States so that the anomaly of the distinction between them and the rest of the citizens is not perpetuated.

This Bill seeks to remove this discrimination by omitting the section.

JOGESH CHANDRA CHATTERJI

III

BILL NO. VI OF 1964

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Representation of the People (Amendment) Act, 1964.

Omission of sections 76, 77 and 78.

2. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), sections 76, 77 and 78 shall be omitted. 43 of 1951

Amendment of section 123.

3. In section 123 of the principal Act,—

(*a*) in clause (*1*), in the *Explanation,* the words "but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78" shall be omitted; and

(*b*) clause (*6*) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Experience during the last three general elections has shown that in several cases the election expenses filed by candidates do not reflect the true state of expenses incurred by them on their elections. The law as it exists at present in this behalf seems to be not capable of effectual compliance. The proposed amending Bill, therefore, seeks to delete the provisions in the Representation of People Act, 1951, regarding the filing of election expenses.

M. P. BHARGAVA.

B. N. BANERJEE,
Secretary.

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